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15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 In re: CATHODE RAY TUBE (CRT)
18 ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

19 This Document Relates to:

20 *Sharp Elecs. Corp. v. Hitachi, Ltd.*, No. 13-cv-
21 01173
22
23
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**DECLARATION OF CHARLES M.
MALAISE IN SUPPORT OF THE SHARP
PLAINTIFFS' ADMINISTRATIVE
MOTION TO SEAL DOCUMENTS
PURSUANT TO CIVIL LOCAL RULES 7-
11 AND 79-5(d)**

1 I, Charles M. Malaise, hereby declare as follows:

2 1. I am an associate with the law firm of Baker Botts L.L.P., counsel for Defendants
3 Koninklijke Philips N.V. and Philips Electronics North America Corporation (collectively, the
4 “Philips Defendants”). I am a member of the bar of the District of Columbia and I am admitted to
5 practice before this Court *pro hac vice*.

6 2. I have personal knowledge of the facts set forth herein and, if called upon, could and
7 would competently testify thereto under oath.

8 3. On June 18, 2008, the Court issued a Stipulated Protective Order (Dkt. No. 306) (the
9 “Stipulated Protective Order”). On October 28, 2013, Plaintiffs Sharp Electronics Corporation and
10 Sharp Electronics Manufacturing Company of America, Inc. filed an Administrative Motion to Seal
11 (Dkt. 2030), and lodged conditionally under seal, pursuant to Civil Local Rules 7-11 and 79-5(d),
12 portions of Sharp’s First Amended Complaint (“FAC”) that contain information from documents
13 that the Philips Defendants have designated “Confidential” or “Highly Confidential.”

14 4. The Philips Defendants have produced in this action certain documents and
15 information designated as either “Confidential” or “Highly Confidential” pursuant to the Stipulated
16 Protective Order.

17 5. The documents and information quoted from, describe, or otherwise summarized in
18 Paragraph 196 and its subparts and Paragraph 240 and its subparts of the FAC relies on documents
19 designated by the Philips Defendants as either “Confidential” or “Highly Confidential” pursuant to
20 the Stipulated Protective Order because the documents contain confidential, nonpublic, and highly
21 sensitive business information about the Philips Defendants’ sales practices, business and supply
22 agreements, and competitive positions. The documents describe relationships with companies
23 (including customers and vendors) that remain important to the Philips Defendants’ competitive
24 positions. Publicly disclosing this sensitive information presents a risk of undermining the Philips
25 Defendants’ relationships, would cause harm with respect to the Philips Defendants’ competitors and
26 customers, and would put the Philips Defendants at a competitive disadvantage.

27 I declare under penalty of perjury under the laws of the United States of America that the
28 foregoing is true and correct.

Executed on November 5, 2013 in Washington, D.C.

A handwritten signature in black ink, appearing to read "Charles M. Malaise", written over a horizontal line.

Charles M. Malaise